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on the Elimination
of all Forms of
Racial Discrimination

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COLLECTION

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Venezuela

1. The Committee considered the tenth, eleventh, twelfth and thirteenth periodic reports of Venezuela (CERD/C/263/Add.8/Rev.1) at its 1169th, 1170th and 1172nd meetings (see CERD/C/SR.1169, 1170 and 1172) held on 13, 14 and 15 August 1996 and, at its 1181st meeting, held on 21 August 1996, adopted the following concluding observations.

A. Introduction

2. The Committee commends the State party on its willingness and readiness to maintain a dialogue with the Committee through submission of its report and expresses its appreciation to the State party's delegation for the wealth of additional information that it provided to the Committee orally. It also notes with satisfaction the submission of the core document of Venezuela (HRI/CORE/1/Add.3). The Committee regrets, however, that the submission of the tenth, eleventh, twelfth and thirteenth periodic reports was not timely and that the report under consideration combines the tenth to thirteenth reports and covers almost a 10-year period.

3. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of making such a declaration be considered.

B. Factors and difficulties impeding the application of the Convention

4. It is noted that Venezuela is undergoing an economic recession after a period of strong economic development in the 1980s, and that this may have a negative impact on the effective implementation of the Convention, especially with regard to the indigenous population and immigrants from neighbouring countries of the Andean region for which Venezuela, with its much more prosperous economy, has represented a pole of attraction during the past three decades.

C. Positive aspects

5. The notable efforts made by the State party to establish a comprehensive legal framework that provides for pluralism and tolerance in community life, based on the principles embodied in the Constitution, and provisions contained in the Convention in particular, are noted with satisfaction.

6. At the institutional level, the establishment of various organs, especially an agency for national indigenous policy, which has the title of the Office of Indigenous Affairs of the Ministry of Education, is welcomed.

7. The plan for intercultural bilingual education, contained in presidential Decree No. 283, which aims to promote active participation by the indigenous communities in the various fields of activities within Venezuelan society and to encourage full and comprehensive knowledge of the culture of existing ethnic groups among the rest of Venezuelan society, is noted with interest.

8. Satisfaction is expressed concerning the intention of the State party to ratify International Labour Organization Convention No. 169 on the rights of indigenous peoples, which is now being considered by the national Parliament.

D. Principal subjects of concern

9. The non-compliance by the State party with its obligations under article 4 of the Convention is a matter of serious concern, as is the fact that the State party has not provided sufficient information on the implementation of the provisions contained in that article, which call for the adoption of specific legislation.

10. Doubts were expressed whether victims of racial discrimination have effective remedies at their disposal for seeking just and adequate reparation from the competent tribunals. It was noted, in particular, that Venezuela's legal system does not include any provisions for compensation of victims of racial discrimination, most of whom belong to various indigenous groups.

11. It was regretted that the report contains insufficient information on the practice with respect to the implementation of provisions of article 5 of the Convention dealing with economic, social and cultural rights, especially with respect to the enjoyment of those rights by the indigenous peoples.

12. Concern was expressed about the insufficient measures to ensure bilingual education of indigenous peoples and to prevent the destruction of their cultural heritage.

13. Concern is expressed that in practice there are separate prison facilities for persons of the indigenous population.

E. Suggestions and recommendations

14. The Committee strongly recommends that the necessary measures be taken to bring domestic legislation into full compliance with the provisions of article 4 of the Convention.

15. It further recommends that particular attention be given to the effective implementation of article 5 (e) and that relevant information be provided in the next periodic report on the measures taken in this regard, particularly as far as the indigenous population and migrant workers are concerned.

16. Further efforts should be made to strengthen the system of bilingual education in order to cover the whole of the indigenous population, 40 per cent of which remains illiterate, and to prevent the destruction of the indigenous cultural heritage.

17. The Committee recommends that appropriate measures be taken to provide health care services for indigenous communities, particularly those located in remote regions of the country.

18. The Committee recommends that the State party provide additional information on the reasons for maintaining the system of separate prison facilities for members of the indigenous population and welcomes the fact that the State party has indicated that increased public expenditure on prisons, to alleviate overcrowding and resulting problems, has been given priority.

19. The Committee also recommends that the State party, in its fourteenth periodic report, provide more detailed information on the system of human rights organs functioning in the country on their respective mandates and on how those organs interact and coordinate their activities. Information on the extent to which the Government cooperates with non-governmental organizations in achieving the goals set out in the Convention would be most welcome.

20. The Committee would appreciate receiving information from the State party on the implementation of the Agrarian Reform Law and how it has promoted distribution of land among indigenous populations.

21. Information on racially-motivated violence against indigenous people following conflicts over land and extrajudicial execution of members of indigenous populations would be highly welcome.

22. The Committee also recommends that the State party include in its next periodic report information on any complaints of racial or ethnic discrimination, in all its forms, and on judicial action subsequently taken.

23. The Committee suggests that the State party ensure the wide dissemination of the text of the Convention, as well as of the report, the summary records and the present concluding observations in Spanish and in indigenous languages.

24. The Committee recommends that the State party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.

25. The Committee draws the State party's attention to the reporting periodicity as determined by the Committee. It strongly recommends that the Government of Venezuela comply fully with its obligations under article 9 of the Convention and that the fourteenth report, which was due on 5 January 1996, be an updating report.